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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,602	02/24/2004	Farid Hacena	HACENA 3-1	3211

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EXAMINER

VU, MICHAEL T

ART UNIT PAPER NUMBER

2617

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/785,602	Applicant(s) HACENA ET AL.	
	Examiner Michael Vu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5-6, 8, 12-13, 15, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (US 2003/0158954) in view of Smith (US 6,501,950).

Regarding **claims 1, 8 and 15**, Williams teaches a wireless communication network (Fig. 5) comprising: a call processing system coupled to a backhaul network [0011]; a translator system coupled to the backhaul network and to the call processing system [0009-0012]; a first base station system coupled to the backhaul network [0009-

0012], the first base station system (Fig. 1, #104), responsive to receiving communications for a call from a wireless communication device (Fig. 1, Wireless Device #106, Base Station #104), transfers first call traffic for the call in a first format over the backhaul network to the call processing system (Fig. 1, 1st Protocol Translation #120); a second base station system coupled to the translator system by the backhaul network (Fig. 1, Wireless Device #106, BS #104), the second base station system (BS #104), responsive to receiving the communications for the call from the wireless communication device (Wireless Device #106), transfers second call traffic for the call in a second format over the backhaul network to the translator system wherein the second format is different than the first format (Fig. 1, 2nd Protocol Translation #120); the translator system (Fig. 1, #120), responsive to receiving the second call traffic in the second format from the second base station system (Fig. 1, 2nd Protocol Translation #120), converts the second call traffic from the second format to the first format (Fig. 1, [0006, 0024, 0026, 0045-0047]) and transfers the second call traffic in the first format to the call processing system (Fig. 1, [0006, 0024, 0026, 0045-0047]); the call processing system (Fig. 1, [0006, 0024, 0026, 0045-0047]), responsive to receiving the first call traffic and the second call traffic (Fig. 1), processes the first call traffic and the second call traffic (Fig. 1, Fig. 5, [0006, 0024, 0026, 0045-0047, 0050-0052]).

But Williams **is silent on** *in a mobile switching center*.

However, Smith teaches a call processing *in a mobile switching center* operating with a proprietary protocol call and/or messages can be translated to a standard format or different protocol such as IOS format (Col. 6, line 66 through Col. 7, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams, such that call processing *in a mobile switching center*, to implement and enhance the transfer and/or routing/switching calls traffic in different protocols.

Regarding **claims 5 and 12**, Williams/Smith teach the wireless communication network of claim 1 wherein the call processing system, the translator system, and the first base station system are from a first vendor, and the second base station system is from a second vendor [0006, 0026, 0045-0047] of Williams.

Regarding **claims 6, 13 and 19**, Williams/Smith teach the wireless communication network of claim 1 wherein the first format comprises a proprietary format and the second format comprises an Inter-vendor Operating System (IOS) format [0006, 0026, 0045-0047] of Williams.

Regarding **claim 20**, Williams/Smith teach the wireless network controller of claim 15 wherein the wireless network controller comprises a Mobile Switching Center (MSC) ([0026] GSM/CDMA/TDMA Wireless Systems included MSC or Network Controller) of Williams.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 9-11, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams/Smith in further view of Doviak (US 5,717,737).

Regarding **claims 2, 9 and 16**, Williams/Smith teach the wireless communication network of claim 1 wherein the call processing system, responsive to receiving the first call traffic and the second call traffic, **but is silent on** determines if the second call traffic is delayed compared to the first call traffic.

However, Doviak teaches the transparent communication between a wireless remote or mobile device and a fixed wired communication networks, which provides end-to-end data communication that converting the transported data utilizing the transmission format, and including the determine traffic delayed (C3, L63-67 to C4, L1-60, C18, L56-67 to C19, L1-12, and claims #13-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams/Smith, such that determines if the second call traffic is delayed compared to the first call traffic, to modify or implement the software/protocol without changing or replacing the hardware components or devices for saving cost.

Regarding **claims 3, 10 and 17**, the combination of Williams/Smith/Doviak teach the wireless communication network of claim 2 wherein the call processing system, responsive to a determination that the second call traffic is delayed, buffers the first call traffic to synchronize the first call traffic and the second call traffic (C3, L63-67 to C4, L1-60, C18, L56-67 to C19, L1-12, and claims #13-14) of Doviak.

Regarding **claims 4, 11 and 18**, the combination of Williams/Smith/Doviak teach the wireless communication network of claim 3 wherein the call processing system selects either the first call traffic or the second call traffic based on a quality of the first call traffic and a quality of the second call traffic [0024-0026, 0033-0034] of Williams.

7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams/Smith in further view of Chemin (US 6,005,929).

Regarding **claims 7 and 14**, Williams/Smith teach the wireless communication network of claim 1 wherein: the first base station system, responsive to receiving the communications for the call from the wireless communication device, transfers call traffic in the first format over the backhaul network to the translator system; and the translator system, responsive to receiving the call traffic in the first format over the backhaul network, converts the call traffic in the first format to the second format and transfers the call traffic in the second format to another call processing system, **but is silent on the third call**.

However, Chemin teaches a method of providing the services to subscribers of a telephone network that corresponding to the third call (C2, L35-67, Claim #9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Williams/Smith, such that the third call, to provide the capability to maximize of the calls.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131. The examiner can normally be reached on 8:00am - 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael T. Vu


DUC NGUYEN
PRIMARY EXAMINER